

REGULAR CITY COUNCIL MEETING
NOVEMBER 19, 1984

PRESENT

Grant S. Nielson
Craig Greathouse
Gayle Bunker
Ruth Hansen
Neil Dutson
Don Dafoe

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

OTHERS PRESENT

Jim Allan
Warren Peterson
Dorothy Jeffery
Doyle Bender
Norma Farnsworth
John Quick
Bryce Ashby
Ray Valdez
Jim Fletcher
Martin Ludwig
Larry Bailey
Bob David
Ron Peterson

City Manager
City Attorney
City Recorder
City Treasurer
City Librarian
City Engineer
City Fire Chief
City Building Inspector
KNAK Radio
City Resident
Developer
Plaza Lanes
City Resident

There were others present at the meeting who did not sign the roster.

Mayor Nielson called the meeting to order at 7:00 p.m. and stated that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing and had been provided to the Millard County Chronicle, the Millard County Gazette and the local radio station, KNAK, and to each member of the governing body by personal delivery of copies of the notice and agenda two days prior to the meeting.

MINUTES

Attorney Peterson requested the minutes be tabled because he had not received them in sufficient time to be able to edit them. Because of the number of sets to be approved, he recommended a Special City Council Meeting be scheduled for the purpose of approving minutes of previous Council meetings. He further explained he had met with City Recorder Dorothy Jeffery and discussed the possibility of having all of the minutes not previously approved given to him for editing, after which copies will be given to each of the Council Members for their input and then approved at a Special City Council Meeting.

Following further discussion, Council Member Ruth Hansen MOVED to table the minutes and schedule a Special City Council Meeting for Wednesday, November 28, at 5:00 p.m. for the purpose of approving all minutes of previous Council Meetings that have not been approved as of this date. Motion was SECONDED by Council Member Neil Dutson. Mayor Nielson asked if there were any further discussion or comment regarding the motion. There being none, he called for a vote on the motion. The motion carried unanimously.

ACCOUNTS PAYABLE

City Treasurer Doyle Bender reviewed the Accounts Payable, a list of which had been previously delivered to the Council members and asked if there were any questions regarding the payment of these accounts.

Mayor Nielson requested the bill to Geneva Pipe be paid, and then a bill sent to West Millard Recreation District, Attention Jack Nelson, requesting reimbursement for the amount of pipe that was used for a project completed at the swimming pool at their request. He then informed Mr. Bender he could get the number of feet of pipe used from City Public Works Director Neil Forster.

Following further discussion of the accounts payable, Council Member Don Dafoe MOVED to approve the bills as presented for payment. Motion was SECONDED by Council Member Craig Greathouse. The motion carried unanimously.

LARRY BAILEY: REQUEST FOR APPROVAL OF ESTABLISHING A USED CAR DEALERSHIP ON THE SOUTHEAST CORNER OF THE INTERSECTION ON HIGHWAY 6 AND 50

Mr. Bailey explained to the Council he was interested in establishing a car dealership in the Delta area. He then told the Council the address on the agenda was not where he intended to locate his dealership. He told the Council there are two separate pieces of property in which he is interested. One is located at approximately 441 East Main between "Hermies" and the office building owned by Mitch Myers. The other is west of the regional ball park at White Sage. Mr. Bailey further stated he has a trailer he would like to use for a temporary office. He will lease the ground from Mitch Myers for one year, after which he will buy the property and build a show room on the front of the trailer and make a permanent structure out of the trailer house.

Following further discussion of the issue, the Council suggested that Mr. Bailey should obtain an application for a business license from the City staff and also to then discuss the zoning with the Zoning Enforcement Officer, Ray Valdez.

CITY MANAGER JIM ALLAN: APPROVAL OF PUBLIC WORKS DEPARTMENT VEHICLE

City Manager Jim Allan stated that the purchase of a vehicle for Assistant Public Works Director had been briefly discussed at the previous Council meeting, but had not been on the formal agenda, so there had been no Council action taken. He presented each of the Council Members with a letter to the

editor of the Millard County Chronicle Progress which had been written by Archie Barben. City Manager Jim Allan referred to the statement in the letter which stated that a bid had been turned down from Alldredge Equipment Company and a truck had been purchased from a higher bidder. Mr. Allan pointed out that this is incorrect, as there has been no Council action on any of the bids, nor has there been a truck purchased at this time.

Mr. Allan then told the Council he had reviewed the bid and the difference was not \$400 as had been stated in the letter, but only \$43.00.

Mr. Allan gave the Council members a copy of Section 63-56-21-6 which provides that awards of bids shall be made to the responsible offeror whose proposal is most advantageous to the City, taking into account the evaluation factors set out in the request for proposals. Mr. Allan further explained the preference for local preference bids as contained in Section 63-56-20.5 of the Utah Procurement Code, saying that one interpretation is that the City can give preference to items purchased within the City if the procedures in the Code are followed.

The second part of this is the concept of preferred and non-preferred bidder. City Manager Jim Allan then asked Attorney Peterson if the interpretation of subsection (2) of 63-56-20.5 is that if we have a bidder within the City and the lowest bidder is outside of the City, that the bidder within the City can be offered the bid if that bidder meets the low bid of that entity outside the City.

Attorney Peterson stated if it is a preferred bid and notice is given of the existence of the preferred bidders, then they have 72 hours to meet the offer of a nonpreferred bidder.

Council Member Don Dafoe questioned whether the City purchasing policy meets the guidelines requested in the Code

Council Member Gayle Bunker questioned what was classified as local, if that meant within the City limits or just within the West Millard Area. Mr. Allan stated that "local" has never been defined in Delta City's purchasing policy.

Following further discussion of the issue, Council Member Don Dafoe MOVED to reject all bids on the aforementioned vehicle and to readvertise for new bids and that the bids should be based on the exact specifications that have been prepared by the City. He further moved to initiate a bidding procedure with a preferred bidders list of those within the Delta City corporate limits. The motion was SECONDED by Council Member Neil Dutson. Mayor Nielson called for a vote on the motion. Voting was as follows:

Council Member Neil Dutson	Yes
Council Member Gayle Bunker	Yes
Council Member Ruth Hansen	Yes
Council Member Don Dafoe	Yes
Council Member Craig Greathouse	No

Council Member Greathouse stated he had voted no on the motion because he feels the bid should be by a letter of invitation and not advertised in the newspaper.

RON PETERSON: REQUEST FOR APPROVAL OF TEENAGE SON TO SING AT THE PLAZA PUB

Mayor Nielson recognized Ron Peterson and asked him to address the City Council regarding his request that his sixteen-year-old son be allowed to sing at the Plaza Pub. Ron Peterson told the council that Bob David, Manager of the Plaza Pub, would be the one to address the Council.

Mr. David told the Council that the management of the Plaza Pub was requesting the Council's approval for 16-year-old Mark Peterson, son of Ron Peterson, to perform at the Pub. Mark Peterson was one of the persons that auditioned to perform at the Pub. He said Mark sings country-western music and is a very talented individual interested in furthering his career in country music; but there is very little opportunity in the Delta area for Mark to perform. Mr. David said the management of the Pub are looking for good entertainment for its patrons, and feel they have a well managed and respected establishment. Mr. David therefore requested the Council's approval for Mark to entertain at the Plaza Pub.

Council Member Ruth Hansen stated she agreed that the Plaza Pub was a very well managed and respected establishment from all she had heard, but that if the Council gave approval for Mark Peterson to entertain at the Pub, it would be setting a precedent and could create some very serious problems for the Council in the future.

Attorney Peterson explained that the City has ordinances that prohibit any person under 21 years of age be present in any room within licensed business premises where there are both amusement devices and consumption of alcoholic beverages. The Council would have to amend the ordinance if they were to give approval for a person under 21 years of age to entertain in any such establishment.

Council Member Neil Dutson asked Ron Peterson, father of Mark Peterson, how he felt about the issue. Mr. Ron Peterson told the Council that Mark had been asked to audition at the Pub and that Mr. David had been very good with Mark and the people seem to really enjoy Mark's singing. He said Mark has won a contest at Lagoon, a three-state country western singing contest, and was going to Las Vegas during the coming weekend to entertain. He said Mark needs more stage experience, so when Mr. David called and said he and Jim Pendray had discussed the matter and thought it would be good for both their business and it would afford Mark the stage experience that would further his career, Mr. Peterson had agreed.

Mr. Peterson further stated that as parents they do have mixed feelings about their teenager entertaining in a pub. He said, however, that they have enough faith in themselves and in their son that they weren't worried. He said they felt the Plaza Pub is a very well managed place of business and it would give Mark some experience. He also said that if this is going to create problems for the Council, he will respect the Council's position.

Attorney Peterson told the Council that Jim Pendray had conducted a search in other areas to see how they had handled similar situations in their ordinances. He found the other cities had handled the issue in many ways, but that no city had an ordinance covering this particular issue. He further stated that Jim Pendray should be commended for his efforts to properly deal with this issue and should be commended for his concern. He then told the Council that their options under the present ordinance were to either deny the request or amend the ordinance.

Council Member Ruth Hansen MOVED the Council take no action to change the ordinance and to thereby deny the request. The motion was SECONDED by Council Member Craig Greathouse. Mayor Nielson asked if there were any further comments or questions regarding the motion. There being none, he called for a vote on the motion. The vote was as follows:

Council Member Ruth Hansen	Yes
Council Member Craig Greathouse	Yes
Council Member Neil Dutson	Yes
Council Member Don Dafoe	Abstain
Council Member Gayle Bunker	Abstain

Motion carried.

CITY ENGINEER JOHN QUICK: PAY REQUEST FOR WESTCON ON WORK COMPLETED ON SEWER PHASE III

John Quick requested payment for Westcon for work completed on sewer phase III, schedules 3 and 4, at lift station "A". Westcon completed the work about two weeks ago. The original contract was for \$50,615. There were some changes made which are on change order number 1 for an additional four feet of eight inch pipe, 21 feet of six inch pipe, and one additional electrical panel in lift station "A". The total of the change order is \$1,262.19, bringing the total amount due to Westcon to \$51,878.19.

Council Member Craig Greathouse MOVED to authorize payment of phase III, schedules 3 and 4, to Westcon in the amount of \$51,878.19. Council Member Don Dafoe SECONDED the motion. Mayor Nielson asked if there were any further discussion on the motion. There being none, he called for a vote. The motion, passed unanimously.

City Engineer John Quick told the Council that Neil Forster, Public Works Director, was very impressed with the way Westcon had worked and he is going to send a letter to the company and express his appreciation for a job well done.

ATTORNEY WARREN PETERSON: DISCUSSION OF DELTA CITY COUNCIL MEETING SCHEDULE

Attorney Peterson discussed with the Council the possibility of having City Council meetings just twice monthly. He pointed out if the schedule was changed to bi-monthly, it would allow more time for the staff to prepare the